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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,494	08/29/2001	Jose Arnau	CM 2057M	8081

27752 7590 10/27/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,494

Applicant(s)

ARNAU ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. This action is responsive to the amendment filed on August 10, 2004.
2. Claims 17-21 and 23-30 are pending.
3. Claim 17 stands rejected under 35 U.S.C. 102(b) as being anticipated by Ridley (US Patent No. 4,678,593) for the reasons set forth in the previous office action.
4. Claims 17-20 and 23-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Salager et al. (EP 0,846,756), hereinafter "Salager" for the reasons set forth in the previous office action.
5. Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Salager as applied to the above claims, and further in view of Creed (US Patent No. 6,007,735) for the reasons set forth in the previous office action.
6. The terminal disclaimer filed on August 10, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,630,438 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

7. Applicants' arguments filed August 10, 2004 have been fully considered but they are not persuasive.

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With respect to the anticipation rejection of claim 17 based upon Ridley, Applicants argue that the present invention, as amended, discloses percentages of a heavy metal ion sequestrant from 0.5% to 5% by weight of the tablet and Ridley does not disclose or even suggest such percentages.

The Examiner respectfully disagrees with the above arguments because the soap bar compositions of Ridley, in particular, Example VI which comprises clay, perfume and no pearlescent materials such as TiO_2 coated mica or TiO_2 , also contains heavy metal ion sequestrants which are 3 wt% tripotassium citrate monohydrate and 0.1 wt% EDTA, (3.1 wt% total) both meeting the required proportion of sequestrants.

With respect to the obviousness rejection based upon Salager, Applicants argue that there is nothing therein which relates to the problem of clay/perfume interaction, much less suggests that Schiff bases are the source of the problem, and that there is no disclosure or suggestion of the presence of a heavy metal ion sequestrant from 0.5% to 5% by weight of the tablet.

The Examiner respectfully disagrees with the above arguments because, as stated in the previous office action, the perfumes of Salager are those perfumes that are commonly used in detergents (see page 9, lines 51-53), hence would have included perfumes that are free of Schiff bases. With respect to the heavy metal ion sequestrant, on page 10, line 25, Salager teaches sodium HEDP, a known heavy metal ion sequestrant, in an amount from 0.62 to 0.79 wt%, which meets the recited amount.

With respect to the rejection of claim 21 based upon Salager in view of Creed, Applicants argue that nothing therein evidences any suggestion that the clay-coated tablets should be employed with perfumes whose components exclude Schiff bases.

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The response to Salager above applies here as well. Each of Salager and Creed teaches coated tablets, hence the idea of combining the sequestrant coating of Creed and the clay coating of Salager flows logically from their having been individually taught in the prior art. See *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) and MPEP 2144.06.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

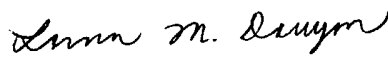
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
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